

EXHIBIT 160

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

STATES OF NEW YORK,
MASSACHUSETTS,
WASHINGTON, COLORADO,
CONNECTICUT, DELAWARE,
DISTRICT OF COLUMBIA,
HAWAII, ILLINOIS, IOWA, NEW
MEXICO, NORTH CAROLINA,
OREGON, PENNSYLVANIA,
RHODE ISLAND, VERMONT, and
VIRGINIA,

Plaintiffs,

v.

DONALD TRUMP, in his official capacity as President of the United States; U.S. DEPARTMENT OF HOMELAND SECURITY; ELAINE C. DUKE, in her official capacity; U.S. CITIZENSHIP AND IMMIGRATION SERVICES; U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; and the UNITED STATES OF AMERICA,

CIVIL ACTION NO. 1:17-cv-05228
(NGG) (JO)

Defendants.

DECLARATION OF RYAN JAMES HAGEMANN

Pursuant to 28 U.S.C. § 1746(2), I, Ryan James Hagemann, hereby declare as follows:

1. I am over the age of 18. I have personal knowledge of the matters stated herein, and if called as a witness, I could and would testify competently thereto.

2. I am Vice President and General Counsel of Western Oregon University (“WOU”). In that capacity, I serve as the chief legal officer of WOU. I am also the Secretary to the Board of Trustees of WOU. In that capacity, I serve as the chief administrative officer to the Board of Trustees, and I oversee WOU’s public affairs, governmental affairs, strategic initiatives, human resources, and institutional research. In performing my duties related to institutional research, I am responsible for overseeing WOU’s efforts to collect and analyze data pursuant to its institutional research goals—*i.e.*, on any matters that impact the university and its functioning. That includes, as pertinent here, data related to student enrollment and tuition.

3. In addition to my current service at WOU, I have been involved in higher education in Oregon since 2001. I started at the Oregon Department of Justice as an Assistant Attorney General assigned to both the Education and Labor & Employment Sections where I represented Oregon’s public universities. In 2004, I was employed by the then-Oregon University System (“OUS”—a legal entity, since dissolved, that was comprised of all of Oregon’s public universities. I served as General Counsel of OUS from 2007 until it was dissolved in June 2015, at which point I began my current duties at WOU in July 2015. Finally, I obtained my bachelor’s degree in politics from Whitman College in 1994, and my juris doctorate from the University of Oregon School of Law in 2001.

4. WOU is a public university located in Monmouth, Oregon. WOU includes both the College of Education and the College of Liberal Arts and Sciences, and has a total enrollment of approximately 6,000 students. WOU creates lasting opportunities for student success through transformative education and personalized support. As the first public institution of higher education established in Oregon, WOU upholds an enduring commitment to the value of

teaching and learning. WOU's academic and co-curricular activities enhance the economic, cultural, and intellectual vitality of this region and the world at large. To serve the greater good, WOU educates individuals in an accessible and supportive environment. WOU's students enjoy a personalized experience in a comprehensive, mid-sized public university. The knowledge and abilities cultivated in WOU's graduate programs also meet compelling needs for work, service, and leadership beyond its campus. WOU empowers its students, employees, and alumni to lead meaningful, responsible lives.

5. As part of its educational mission, WOU is firmly committed to the values of accessibility, accountability, collaboration, community, diversity and respect, empowerment, excellence, and sustainability and stewardship. In particular, WOU's commitment to diversity and respect represents not merely a commitment to abstract ideals, but rather, a commitment to the concrete and vital educational goals of fostering equity and inclusion; appreciation for the complexity of the world; and strength drawn from the variety of our students' backgrounds, abilities, cultural experiences, identities, knowledge domains, and means of expression. To that end, WOU relies on the diversity of its student body in order to foster an educational community that is trustworthy, caring, and a safe environment for the cultivation of peace, civility, and social justice. WOU also relies on the diversity of its student body in order to form connections extending beyond the classroom, across campus, and into the local and global communities.

6. WOU also is a partner institution of TheDream.US project, a non-profit organization that assists non-citizens to attend institutions of higher learning in the United States by offering tuition assistance. WOU partners with TheDream.US for both in-state and out-of-state students. For out-of-state students who qualify for assistance from TheDream.US, WOU is able to charge 150% of current resident tuition rates. Such out-of-state students receive up to \$80,000 from TheDream.US for four years of education. This academic year (2017–18) is the first year that WOU has participated in the TheDream.US program for out-of-state students, and WOU has accepted five such students. If those students withdraw from WOU as a result of the

DACA rescission—as it is expected that they would—WOU would lose nearly \$65,000 in revenue from combined tuition and mandatory fees for this academic year alone. WOU’s total projected loss for those five students over the next four years, at current rates, would be nearly \$260,000. It is reasonable to expect that WOU would lose tuition and fee revenue from its partnership with TheDream.US project because, in order to be eligible for a TheDream.US scholarship, scholars must either be DACA recipients, or have applied for DACA, or be in Temporary Protected Status (TPS) with the U.S. Citizenship and Immigration Services (USCIS).¹

7. WOU does not specifically collect data or track the number of DACA recipient students enrolled at WOU. However, WOU is subject to Oregon’s “tuition equity” law, codified at Or. Rev. Stat. § 352.287. Under that statute, an Oregon public university “shall exempt a student who is not a citizen or a lawful permanent resident of the United States from paying nonresident tuition and fees for enrollment” if the student meets certain criteria. Currently, there are 42 students at WOU (separate from the five out-of-state students who are registered to start at WOU in Fall 2017 through the above-described TheDream.US project) who pay in-state tuition and fees, pursuant to the tuition equity law. WOU is aware that a substantial number of those 42 students are DACA recipients. If only half of those 42 students drop out as a result of the DACA rescission—a conservative estimate—then WOU will suffer a loss of revenue from combined tuition and mandatory fees, for the current academic year, of nearly \$200,000, as well as an additional amount of lost revenue from those students that live on-campus in student residence halls. When a student lives on-campus, there are separate fees for room and board that would be lost if any or all of WOU’s tuition equity students left the university due to the rescission of

¹ In-state students, including those who receive tuition assistance from a TheDream.US scholarship, are eligible for tuition equity under Oregon law. This declaration addresses such tuition equity students—as well as the relationship between tuition equity students, DACA recipients, and estimated loss in tuition revenue—in Paragraphs 7 and 8, *infra*.

DACA. If all 42 students were to leave, losses from tuition and mandatory fees would total nearly \$400,000.

8. It is reasonable to expect that DACA rescission will cause many of the 42 tuition-equity students, and the five TheDream.US scholarship recipient students, to cease their education at WOU because of cost. Although the Oregon Opportunity Grant—the need-based state grant program for postsecondary education—could in theory help to alleviate the financial burden of attending higher education for some Oregon resident DACA recipient students, the rescission of DACA—a clear pathway for such students to demonstrate eligibility for state financial aid programs—could mean that the cost of a public college education in Oregon would be prohibitive. Moreover, with DACA’s rescission being ultimately effective in March 2018, the confusion generated by rescission occurring in the middle of an academic year, in addition to the demographic realities of enrollment trends in Oregon, makes it substantially likely that lost enrollment would not be replaced and would, in fact, lead to substantial loss in tuition and fee revenue. WOU, as many universities in Oregon and beyond, has experienced modest enrollment declines in each of the past two years, demonstrating the difficulty in simply replacing the loss of up to 47 students (42 in-state tuition equity students, and five non-resident TheDream.US scholarship recipients). The loss of approximately \$450,000 in revenue in the middle of the academic year, as well as residence halls with numerous empty rooms, would be profound.

9. I am aware, through my administrative duties as well as my personal interactions with our student body and faculty, that actions such as the DACA rescission cause tremendous psychological and emotional distress to our undocumented students, and to our university community at large. This distress is not limited to feelings of discomfort; it in fact has profound implications for the mental health and functionality of our students. This, in turn, distracts from our students’ learning and grossly undermines our ability to fulfil our educational mission, the specifics of which are detailed in Paragraph 5, above. As Vice President & General Counsel, I have participated in several campus panel discussions and forums at which undocumented

students share personal stories of the psychological and emotional distress caused by the uncertainty and actions of the Trump administration. I have worked closely with faculty members assisting and advocating for undocumented students who, in turn, share stories of psychological and emotional distress experienced by WOU's tuition equity and DACA students.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

DATED September 21, 2017.



RYAN JAMES HAGEMANN

A handwritten signature in black ink, appearing to read "RYAN JAMES HAGEMANN". The signature is fluid and cursive, with a large, sweeping flourish at the end.